

EXHIBIT 1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELLIOT LIBMAN, a minor, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. 5:22-cv-07069-EJD

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
CIVIL L.R. 3-12 AND 7-11**

Pursuant to Rule 3-12 and Rule 7-11 of the Civil Local Rules, Interested Parties Dorothy Teixeira (“Teixeira”) and Francis Barrott (“Barrott”) move the Court to consider whether cases should be related, as follows:

1. On February 10, 2023, Teixeira and Barrott filed putative class actions against Apple Inc. (“Apple” or “Defendant”) in the United States District Court for the Northern District of California (*Teixeira*, No. 5:23-cv-00617-VKD, ECF No. 1; *Barrott*, No. 5:23-cv-00618-NC, ECF No. 1), for violations of the California Invasion of Privacy Act (“CIPA”), Cal. Pen. Code § 632, Invasion of Privacy, and Unjust Enrichment (Quasi-Contract Claim for Restitution and Disgorgement) or, alternatively, Breach of Contract.

2. Teixeira’s and Barrott’s claims are based on Apple’s harvesting of vast troves of its customers’ user data from mobile devices without its customers’ knowledge or consent.

3. Previously, on November 10, 2022, Elliott Libman filed the above-captioned putative class action against Apple, Inc. for Unjust Enrichment, or alternatively, Breach of Contract, CIPA, and Invasion of Privacy, based on the same conduct as alleged in the *Teixeira* and *Barrott* actions. (No. 5:22-cv-07069, ECF No. 1)

4. Local Rule 3-12 defines actions as related when:

a. the actions concern substantially the same parties, property, transactions, or event; and

b. it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

5. Both the *Teixeira* and *Barrott* actions involve the same causes of action and the same underlying allegations of misconduct as the *Libman* action.

6. Litigating these cases separately would create a significant risk of duplicative labor and expenses, as well as conflicting results.

7. Upon information and belief, other similar cases are pending before other judges in this district and in other district courts which would meet the test for relatedness under Local Rule 3-12.

8. Plaintiffs' counsel in the *Teixeira* and *Barrott* actions has been in communication with defense counsel, as well as plaintiffs' counsel in the other related actions, and is working collaboratively with such counsel to have all cases transferred and related to this action.

9. Accordingly, *Teixeira* and *Barrott* now bring this motion, pursuant to Local Rule 3-12(b), and requests this Court's consideration regarding the relatedness of this case and the *Teixeira* and *Barrott* cases.

WHEREFORE, Interested Parties *Teixeira* and *Barrott* request this Honorable Court relate and assign the *Teixeira* and *Barrott* actions to the currently pending *Libman* action.

Respectfully submitted,

Dated: February 16, 2023

LYNCH CARPENTER, LLP

By: /s/ (Eddie) Jae K. Kim

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 APPLE, INC.,

15 Defendant.

Case No.: 5:22-cv-07069-EJD

**[PROPOSED] ORDER RELATING CASES
AND GRANTING ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

[N.D. Cal. Civil L.R. 3-12]

Related to:

Case No. 5:23-cv-00617 and 5:23-cv-00618

16
17 Having considered Interested Parties Dorothy Teixeira and Francis Barrott's Administrative
18 Motion to Consider Whether Cases Should Be Related, as well as the pleadings on file, the Court
19 GRANTS the Motion and ORDERS the Clerk to relate the following later-filed case to the above-
20 captioned, first-filed action, *Libman v. Apple, Inc.*, No. 5:22-cv-07069-EJD (N.D. Cal.), filed on
21 November 10, 2022:

- 22 • *Teixeira v. Apple Inc.*, No. 5:23-cv-00617 (N.D. Cal.), filed February 10, 2023; and
23 • *Barrott v. Apple Inc.*, No. 5:23-cv-00618 (N.D. Cal.), filed February 10, 2023.

24 IT IS SO ORDERED.

25
26 Dated: _____

Hon. Edward J. Davila
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELLIOT LIBMAN, a minor, individually and on
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Plaintiff,

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APPLE, INC.,

Defendant.

Case No. 5:22-cv-07069-EJD

PROOF OF SERVICE

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I am over the age of eighteen years and not a party to the entitled action. My business address is Lynch Carpenter, LLP, 1350 Columbia St., Suite. 603, San Diego, CA 92101. On February 16, 2023, I declare that on today's date I served a copy of:

1. **PLANTIFF'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R. 3-12 AND 7-11**
2. **[PROPOSED] ORDER GRANTING PLAINTIFF'S ADMINISTRATIVE MOTION TO RELATE CASES**

BY E-MAIL: by e-mailing the documents listed above to the parties listed below:

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I declare under the penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct. Executed on February 16, 2023, at San Diego, CA.


Margaret Robalino